

REMARKS

In the Office Action mailed March 26, 2007 the Examiner states that Applicant's Reply filed on January 16, 2007 is not fully responsive because the amendment to the claims had the following defects: (1) double brackets were used, in addition to strike-through, to indicate deletions, and (2) in claims 2 and 4, a newly added limitation was not underlined.

Applicant herein submits a newly amended listing of the claims, which shall replace all prior listings of the claims. Applicant has corrected claim 2 by underlining the newly added limitation "neck."

Claim 4 is currently amended with all newly added limitations underlined. Applicant refers Examiner to Applicant's Amendment filed on April 21, 2006 in which the first instance of the limitation "neck" in claim 4 was deleted because it mistakenly appeared twice in the claim. The second instance of the limitation "neck" in claim 4 was not deleted in that Amendment. Thus, in Applicant's currently amended claim 4, the limitation "neck" is not underlined because it is not newly added in the listing of the claims provided herein.

Applicant respectfully disagrees with the Examiner that only strike-through may be used to indicate deletions in claim amendments. Applicant refers the Examiner to 37 C.F.R. § 1.121(c)(2) which provides: "The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived." MPEP § 714 (emphasis added). All deletions Applicant indicated with double brackets were deletions of five or fewer consecutive characters. Applicant used double brackets because strike-through of these small deletions was not

Appl. No. 11/475,459
Amendment dated April 26, 2007
Reply to Office Action mailed March 26, 2007

easily perceived, and therefore the Patent Rules *require* Applicant to use double-brackets.

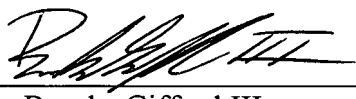
Accordingly, Applicant's use of double-brackets is proper and not in violation of any Rules.

SUMMARY

Applicant believes the listing of claims provided herein complies with all requirements. If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' attorney, Brooks Gifford III, at (619) 544-7208 or bgifford@gordonrees.com. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: April 26, 2007

By: 

Brooks Gifford III
Registration No. 58,929

Please recognize our Customer Number 27111
as our correspondence address.

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7121
Attorney Docket No. RCVR-1043274